



Hector De La Torre

News Release

Assembly Member 50th District

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Governor Signs into Law De La Torre Legislation that Prohibits Persons Convicted of Corruption from Holding Elected Office

Sacramento, CA –Governor Arnold Schwarzenegger this week signed into law Assembly Bill 2092, by Assemblymember Hector De La Torre (D – South Gate), assuring that persons with a felony conviction cannot circumvent laws prohibiting them from holding public office.

Specifically, AB 2092 will assure that persons with a felony conviction for bribery, perjury, forgery, embezzlement of public funds, conflict of interest, or voter fraud cannot hold public office.

“Current law was not intended to negate the consequences of a public official’s conviction for a disqualifying felony,” said Assemblymember De La Torre, citing his experience fighting corruption in South Gate. “A public official who violates the public trust by accepting a bribe or embezzling public funds does not regain that trust, or his or her good character, merely by completing three years of probation without another conviction.”

Current law allows persons convicted of a felony to expunge their conviction and have some of their rights reinstated. As a result, the defendant’s record is dismissed with the understanding that certain stipulations may be placed on the defendant after a dismissal. Prior to AB 2092, it was not clear whether a dismissal reinstates a defendant’s eligibility to hold public office.

Recently in Los Angeles County, two convicted perjurers had their convictions expunged pursuant to current law and subsequently ran for public office. Both claimed that an expungement pursuant to current law made them eligible to run even though the California Constitution and current law specifically prohibit convicted perjurers from holding public office.

“This legislation closes a loophole that permits felons who petition for expungement to seek and hold office. It is wrong to allow persons convicted of this type of offense to become elected officials,” said Los Angeles District Attorney Steve Cooley. “I am grateful to Assemblymember De La Torre for introducing this legislation,” he added.

AB 2092 is sponsored by Los Angeles District Attorney Steve Cooley and is supported by the California District Attorney Association.

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